

ADM File No. 2010-15

9/29/2011

I write to support the proposed amendment to MCR 6.005(H). Periodically, our office receives a request from a defendant's appellate counsel asking for discovery (which was previously given to trial counsel). The typical reasons cited by appellate counsel are that they did not want to have to request the materials from trial counsel or that they requested the materials and trial counsel refuses to cooperate. It is a significant burden on the prosecution, especially post-conviction, to provide discovery a second time. The proposed amendment would make the exchange of discovery materials mandatory.

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